

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YORKSHIRE TOWERS COMPANY LP and
YORKSHIRE TOWERS TENANTS ASSOCIATION, :

Plaintiffs, : **NOTICE OF MOTION**

-against- : 10 CIV 8973 (TPG)

THE FEDERAL TRANSIT ADMINISTRATION, :
THE METROPOLITAN TRANSPORTATION :
AUTHORITY and THE METROPOLITAN :
TRANSPORTATION AUTHORITY CAPITAL :
CONSTRUCTION COMPANY, :

Defendants. :

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PLEASE TAKE NOTICE that upon the Memorandum of Law of Defendants MTA and MTACC in Support of their Motion to Dismiss, and all pleadings and proceedings previously had and filed herein, Defendants Metropolitan Transportation Authority (MTA) and Metropolitan Transportation Authority Capital Construction Company (MTACC) will move this Court before the Hon. Thomas P. Griesa, United States District Judge, at the United States District Court, Southern District of New York, 500 Pearl Street, New York, New York, on a date and time to be determined by the Court, for an order and judgment pursuant to Federal Rule of Civil Procedure 12(b)(1) and 12(b)(6) dismissing the instant action as against the MTA and MTACC on the grounds that this Court lacks jurisdiction over the claims asserted against the MTA and MTACC, that plaintiffs have failed to state a federal claim upon which relief can be granted against MTA and MTACC, and that plaintiffs have failed to exhaust their administrative remedies with respect to their state law claim against MTA and MTACC, and granting such other and further relief as this Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1(b), papers in opposition to this motion must be served 14 days after service of the moving papers, or such other time as may be required by the Court.

Dated: New York, New York
September 1, 2011

Respectfully submitted,

s/Gordon J. Johnson

GORDON J. JOHNSON

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